THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.15594 of 2007

Dated: 23-07-2007

Between:

Smt. Vahidunnisa Begum and others.

.....

PETITIONERS

AND

The District Collector, Krishna District, and others.

.....RESPONDENT

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.15594 of 2007

ORDER:

First petitioner is wife of late Mohd.Ali and petitioners 2 to 7 are their sons and daughters. Mohd. Ali filed a declaration, being CC.Nos.1877 and 1878/B/75, before the Land Reform Tribunal (LRT), Bandar, under Section 8 of the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 (the Act, for brevity), declaring his agricultural lands. He was declared to be a surplus landholder to an extent of 0.4642 standard holding (SH). While the declaration filed by him was being processed, he died and his wife - first petitioner was added as legal representative. After completion of the declaration and passing of final orders under Section 9 of the Act by LRT, second respondent issued notice dated 20.03.2007 in Form VI under Rule 7(1) of the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Rules, 1974 (the Rules, for brevity) requiring first petitioner to submit a statement of lands to be surrendered under Section 10(2) of the Act. The petitioners allegedly filed objections on 18.04.2007 for surrendering the land admeasuring Acs.5.05 in survey Nos.53/1, 81/6, 83/1 and 83/2 situated at Ramaraju Palem Village, Guduru Mandal, Krishna District. On 07.07.2007, LRT issued a notice in Form VII (4) consequent to the earlier notice under Rule 7 of the Rules. Aggrieved by the same, present writ petition is filed.

The learned counsel for the petitioners submits that all the petitioners were impleaded as parties to the proceedings before second respondent in March, 2007, that they filed objections on 18.04.2007 and that these were not considered and that the notice of acceptance is issued illegally. He also submits that the objections are not properly considered by second respondent.

After hearing the learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue, this Court is not inclined to admit the writ petition. Admittedly late Mohd.Ali was declared as surplus landholder. In such an eventuality, it is incumbent on the part of LRT to issue notice under Section 10(2) of the Act requiring the declarant to submit surrender statement of excess lands and in the event of there being no such statement, it is competent for LRT to determine the land to be surrendered by the declarant. Keeping this in view, the notices dated 20.03.2007 and 07.07.2007 issued, which are procedural, cannot be faulted. Secondly even at the stage of surrender of lands declared to be surplus in the holding of a

declarant, an appeal is provided under Section 20 of the Act, which is an effective alternative remedy available to the petitioners. The petitioners without availing the remedy filed instant writ petition. The petitioners are given liberty to file appeal before the Land Reforms Appellate Tribunal concerned within a period of ten days from the date of receipt of a copy of this order for redressal of their grievances. In this writ petition, no relief can be granted.

The writ petition, with the above observations and without expressing any opinion on the merits of the case, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

23rd July, 2007

Note: Issue CC by 27.07.2007.

B/o

ghn